

**Before the  
FEDERAL COMMUNICATIONS COMMISSION  
Washington, DC 20554**

In the Matter of	)	
	)	
Review of EEO Compliance and Enforcement in	)	MB Docket No. 19-177
Broadcast and Multichannel Video Programming	)	
Industries	)	
	)	
	)	
	)	
To: Office of the Secretary	)	
Attn: The Commission	)	

**REPLY COMMENTS OF THE NEW JERSEY BROADCASTERS ASSOCIATION**

The New Jersey Broadcasters Association (“the NJBA”) hereby respectfully submits its Reply Comments in the FCC’s Notice of Proposed Rulemaking (the “NPRM”)<sup>1</sup> seeking to review its Equal Employment Opportunity (“EEO”) rules.

Four comments were timely filed in this proceeding: the Joint Comments of 82 Broadcast Station Licensees and Petition for Further Notice of Proposed Rulemaking (the “82 Broadcasters”); the Comments of ACA Connects – America’s Communications Association on the Notice of Proposed Rulemaking (“ACA”); the Comments of the National Association of Broadcasters (the “NAB”); and the Comments of the EEO Supporters (the “EEO Supporters”).

The FCC’s NPRM sought comment on the Commission’s track record on EEO enforcement and whether the agency should make improvements to EEO compliance and enforcement. Each of the four commenters in this FCC proceeding supported the FCC’s nondiscrimination and diversity in broadcast station employment goals. Where the four commenters differ, however, is how the FCC should achieve these goals. Notably, there is no

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<sup>1</sup> *Review of EEO Compliance and Enforcement in Broadcast and Multichannel Video Programming Industries*, Notice of Proposed Rulemaking, MM Docket No. 19-177, FCC 19-54, released June 21 2019.

evidence presented by any of the four commenters that the current FCC documentation and recordkeeping requirements have either reduced discrimination, or led to increased diversity, in the broadcast station workplace.

Accordingly, and while the NJBA has joined its sister State Broadcast Associations in a joint NASBA filing of reply comments in the instant matter, the NJBA also respectfully advocates separately and on its own behalf that the FCC reassess its current documentation and paperwork approach to nondiscrimination and employment diversity. In the absence of evidence that the current FCC's paperwork and recordkeeping requirements prevent or reduce discrimination, or increase employment diversity, the FCC should direct its regulatory efforts to finding effective ways to achieve the important goals of nondiscrimination and employment diversity.

The NAB Comments echo this, stating that:

instead of taking the easy, familiar path of focusing on additional rules and regulations, the Commission should take pro-active, concrete steps that will actually increase employment diversity.<sup>2</sup>

The NAB goes on to suggest several ways that the FCC could work with industry toward a goal of greater employment diversity, and points to the NAB's vigorous and expansive sponsorship and participation in programs to enhance employment diversity within our industry. NJBA and its broadcast station members have often joined the NAB in these employment diversity enhancement programs.

The NAB also advocates for a reduction in "unnecessary burdens on broadcasters, especially smaller stations" which the NJBA also heartily endorses. ACA supports reducing the "regulatory burdens placed on smaller [cable companies]" noting that if the Commission should

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<sup>2</sup> NAB Comments at page 3.

find it appropriate to adopt some form of the 82 Broadcasters proposals for broadcasters, cable entities should likewise be included.<sup>3</sup>

NJBA commends the 82 Broadcasters Joint Comments for calling out unproductive FCC EEO documentation and paperwork requirements that do not achieve their intended goals. The 82 Broadcasters Joint Comments have precipitated a discussion in our industry that otherwise would have not occurred. The NJBA supports the 82 Broadcasters proposal. It is a good first step toward all constituencies -- the broadcasting industry, the FCC, broadcasters' associations and public interest groups -- coming together to explore more effective options that will truly reduce discrimination and increase diversity in the broadcast station workplace.

Respectfully submitted,

**NEW JERSEY BROADCASTERS ASSOCIATION**

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November 4, 2019

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<sup>3</sup> ACA Comments at pages 8-9.

**CERTIFICATE OF SERVICE**

I, Paul S. Rotella, do hereby certify that a true copy of the foregoing “Reply Comments of New Jersey Broadcasters Association” was sent the 4<sup>th</sup> day of November, 2019 via USPS mail, postage prepaid, to the following:

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